

REMARKS/ARGUMENTS

Claims 1-16 are pending. Claims 1, 11, 15 and 16 have been amended. Claims 4 and 13 have been canceled. Therefore, upon entry of this amendment, which is respectfully requested, claims 1-3, 5-12 and 14-16 will be pending.

Claims 1-16 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 5, 9-12, 17-20, 22 and 25-27 of U.S. Patent No. 6,912,668 (the '668 patent), in view of DeKoning et al. (U.S. Patent No. 6,073,218). Applicants respectfully traverse this rejection as improperly using an additional reference; a non-statutory obviousness-type double patenting rejection *may* be proper if based on a single patent, and only based on the claims of that single patent. In this instance, the Examiner is using the DeKoning reference in addition to the '668 patent, which Applicants respectfully assert is improper.

Claims 1-16 have been rejected under 35 U.S.C. 102(e) as being anticipated by DeKoning et al. (U.S. Patent No. 6,073,218).

It is respectfully asserted that DeKoning fails to teach or suggest the limitation of "sending replication and state data from the first AMF to the other AMFs concurrently with performing the operation such that if the first AMF fails while performing any steps of the operation, one of the other AMFs is able to complete the operation using said sent replication and state data" as recited in amended claim 1. In particular, nowhere does DeKoning teach or suggest sending replication and state data to other AMFs wherein an AMF other than the AMF performing an operation is able to complete the operation using the sent replication and state data.

Similar limitations are presented in amended independent claims 11, 15 and 16.

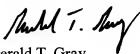
Accordingly, it is respectfully asserted that independent claims 1, 11, 15 and 16 are patentably distinct from DeKoning for at least the above reasoning. Further, all claims depending from claims 1 and 11 are also patentable over the cited references based at least on their dependency from allowable claims 1 and 11.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


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